

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

WIRTCO, INC.,

Plaintiff,

v.

CV 20-0793 MV/JHR

ALLIANZ REINSURANCE AMERICA, INC.,
a foreign corporation; FIREMAN'S FUND
INSURANCE COMPANY,
a California Corporation; TRAVELER'S
INSURANCE COMPANY,
a Connecticut Corporation; UNITED STATES
FIDELITY AND GURANTY COMPANY,
a Maryland Corporation; and ACE P&C,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION
FOR LEAVE TO FILE AMENDED COMPLAINT**

THIS MATTER comes before the Court on Plaintiff Wirtco, Inc.'s Motion for Leave to File Amended Complaint [Doc. 31], filed May 5, 2021. Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and Rule 72(a), presiding District Judge Martha Vazquez designated me to hear and determine this Motion. [Doc. 32].

There are currently five Defendants in this case. Traveler's Insurance Company and United States Fidelity and Guaranty Company do not oppose the Motion. [Doc. 31, p. 2]. Allianz Reinsurance America, Inc. and Fireman's Fund Insurance Company state that they do "not take a position on" the Motion. [Doc. 33, p. 2]. Ace P&C did not file a response, and the time to do so has passed. *See D.N.M.LR-Civ. 7.4(a).*

Wirtco filed this Motion pursuant to Rule 15.2(a)(2), and the rule states that "[t]he court should freely give leave [to file amendments] when justice so requires." Fed. R. Civ. P. 15.2(a)(2).

Here, the Court gives leave in the interest of justice since none of the parties filed an opposition, and discovery in this case has yet to start. [See Doc. 29]; D.N.M.LR-Civ. 26.4(a).

Having thoroughly reviewed the parties' submission and the relevant law, the Court hereby:

- 1) **grants** the Motion, and
- 2) **orders** the Amended Complaint attached to the Motion be filed separately on this docket within three working days of date of entry of this Order.



JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE